IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA 1928

Crl.MC.No. 44 of 2007()

ST.3037/2003 of MUNSIFF MAGISTRATE COURT, PONNANI

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PETITIONER: PETITIONER/COMPLAINANT:

N.KUNHALI, S/O. ABOOBACKER,
NALAKATH HOUSE, PIDAVANNOR P.O.,
MOOKKUTHALA, PONNANI TALUK.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: RESPONDENT/STATE & ACCUSED:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. BALAKRISHNAN,
S/O.KUNHAN, VILLAGE OFFICER, PALAKKAL HOUSE,
ALAMCODE.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.44 of 2007

Dated this the 5th day of January, 2007

ORDER

The petitioner is the complainant in a prosecution under Section 138 of the N.I Act. According to him, an error had crept into the complaint. He filed an application for amendment of the complaint. The learned Magistrate dismissed that application. But the learned Magistrate cautiously observed that if the petitioner wants to clarify the mistake, he can do that at the time of evidence. In the light of that very specific statement which appears in the impugned order, I am satisfied, that it is not, at any rate, a fit case where this Court should invoke its powers under Section 482 Cr.P.C to interfere with the impugned order.

2. This Crl.M.C is, in these circumstances, dismissed. I may reiterate that the petitioner's liberty/option to explain the alleged mistake in the complaint in the course of evidence shall remain.

(R.BASANT, JUDGE)

rtr/-